

ORDINANCE NO. 2002- 014

1 AN ORDINANCE OF THE BOARD OF COUNTY
2 COMMISSIONERS OF PALM BEACH COUNTY,
3 FLORIDA, AMENDING SECTION 17-116 OF THE
4 CODE OF LAWS AND ORDINANCES RELATING TO
5 THE PALM BEACH COUNTY GOVERNMENT,
6 RELATING TO THE TOURIST DEVELOPMENT TAX
7 PURSUANT TO THE "LOCAL OPTION TOURIST
8 DEVELOPMENT ACT," AMENDING THE ORDER OF
9 ALLOCATION OF THE INITIAL THREE CENTS OF
10 THE TAX REVENUES; PROVIDING FOR REPEAL OF
11 THE LAWS IN CONFLICT; PROVIDING FOR
12 SEVERABILITY; PROVIDING FOR INCLUSION IN
13 THE CODE OF LAWS AND ORDINANCES; AND
14 PROVIDING FOR AN EFFECTIVE DATE.

15 WHEREAS, Section 17-116 of the Code of Laws and Ordinances relating
16 to Palm Beach County Government Ordinance No. 95-30, the Tourist Development
17 Ordinance of Palm Beach County, hereinafter "Ordinance," levied four percent (4%) Tourist
18 Development Tax ("bed tax") for certain permissible uses as set forth in Section 125.0104,
19 Florida Statutes; and

20 WHEREAS, the Ordinance established the Tourist Development Plan (Plan)
21 which sets forth the specific uses and allocation of the revenues for the bed tax; and

22 WHEREAS, the Plan provides for the expenditure of bed tax revenues for
23 tourism promotion, beach improvements, and cultural, sports and film programs with
24 advance tourism as well as for the maintenance and operation of a convention center; and

25 WHEREAS, the Tourist Development Council (TDC) has recommended that
26 the method of allocating the revenues among the various Plan uses be amended to ensure
27 adequate funding for all agencies; and

28 WHEREAS, the TDC has reviewed the proposed changes to the Plan and has
29 recommended amendment of the Palm Beach County Code/Tourist Development Ordinance
30 to incorporate those changes; and

31 WHEREAS, the Board of County Commissioners hereby finds that these
32 revisions to the Plan will advance, further and promote Palm Beach County tourism.

1 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF**
2 **COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

3 **Section I.** Section 17-116, Subsection (c), (1), Reserve for Convention
4 Center Operations and Maintenance and Special Major Projects and Events, is hereby
5 amended as follows:

6 **C. (1) Reserve for Convention Center Operations and Maintenance and**
7 **Special Major Projects and Events.**

8 Notwithstanding the percentages allocating the initial three percent (3%) of the bed tax
9 revenues to the various categories of uses as set forth above in subsection (b), each year two
10 hundred and fifty thousand dollars (\$250,000.00) of the initial three percent (3%) of bed tax
11 revenues shall be transferred into an account which shall be reserved for the operation and
12 maintenance costs of a convention center (Category F) and one hundred thousand dollars
13 (\$100,000.) of the initial three percent (3%) of the bed tax revenues shall be transferred into
14 an account(Category E)which shall be reserved for special major projects and events which
15 may arise from time to time offering the County the opportunity to further, advance,
16 improve, promote, and generate Palm Beach County tourism. The TDC shall review such
17 projects to ensure that the expenditure of such funds is authorized under Section
18 125.0104(5), Florida Statutes, and is consistent with the Plan. The Category E reserve
19 account shall not exceed one million dollars (\$1,000,000.). In the event the account balance
20 does exceed one million dollars (\$1,000,000.), the excess revenues shall revert to Categories
21 A, B, C, D, and G in the percentages allocated in Subsection (b).

22 **Section II.** Section 17-116, Subsection (c), (2), Additional Expenditure for
23 Sports Events and Activities, is hereby amended as follows:

24 **C.(2) Additional Expenditure for Sports Events and Activities.**

25 In addition to the allocations set forth in subsection C(1) above, two hundred and fifty
26 thousand dollars (\$250,000) of the initial three percent (3%) of bed tax revenues shall be
27 expended for the purposes set forth in Category G of the Tourist Development Plan, Section
28 17-116, Subsection B, beginning in FY 2000-01 and continuing for four (4) years, which
29 allocation shall be in addition to the five percent (5%) allocation set forth for Category G in
30 Subsection B herein.

1 **Section III. REPEAL OF LAWS IN CONFLICT.**

2 All local laws and ordinances applying to the unincorporated area of Palm
3 Beach County in conflict with any provision of this ordinance are hereby repealed to the
4 extent of any such conflict.

5 **Section IV. SAVINGS CLAUSE.**

6 The provisions of the repealed ordinances are reenacted herein and shall
7 continue in full force and effect without interruption with such modifications as contained
8 in this Ordinance. This Ordinance is a continuation of the former ordinances and all rights
9 and liabilities under the former ordinances are preserved and may be enforced.

10 **Section V. PENALTY.**

11 Any person convicted of violating any portion of this Ordinance shall be
12 punishable as provided by law.

13 **Section VI. APPLICABILITY.**

14 This Ordinance shall be applicable in the unincorporated and incorporated
15 areas of Palm Beach County.

16 **Section VII. SEVERABILITY.**

17 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance
18 is for any reason held by a Court to be unconstitutional, inoperative or void, such holding
19 shall not affect the remainder of this Ordinance.

20 **Section VIII. INCLUSION IN CODE OF LAWS AND ORDINANCES.**

21 The provisions of this Ordinance shall become and be made a part of the Code
22 of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may
23 be renumbered or relettered to accomplish such, and the word "ordinance" may be changed
24 to "section," "article," or other appropriate word.

25 **Section IX. EFFECTIVE DATE.**

26 The provisions of this Ordinance shall become effective upon filing with the
27 Department of State.

1 **APPROVED AND ADOPTED** by the Board of County Commissioners of

2 Palm Beach County, on the 16 day of April, 2002.

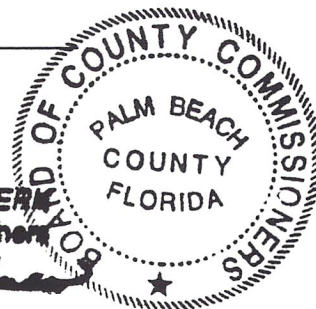
3 PALM BEACH COUNTY, FLORIDA,
4 BY ITS BOARD OF COUNTY
5 COMMISSIONERS

6 By W. Newell
7 Warren H. Newell, Chairman

8 APPROVED AS TO FORM AND
9 LEGAL SUFFICIENCY

10 Maureen Cullen
11 County Attorney

 DOROTHY H. WILKEN, ~~CLERK~~
 Board of County Commissioners
12 By Dorothy H. Wilken
13 DEPUTY CLERK



12 **EFFECTIVE DATE:** Filed with the Department of State on the 25 day of
13 April, 2002.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on April 16, 2002
DATED at West Palm Beach, FL on 5/7/02.
DOROTHY H. WILKEN, Clerk
By: Diane Brown C.